IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14642 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TRIBHOVANSINH V RAJPUT - Petitioner(s)
Versus
SURAT MUNICIPAL CORPORATION & 1 - Respondent(s)

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Appearance :
MR SP MAJMUDAR for Petitioner(s) : 1,MR PP MAJMUDAR for Petitioner(s) : 1,
MR PRASHANT G DESAI for Respondent(s) : 1,
MR SATYAM CHHAYA, ASSTT GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 10/08/2007

ORAL JUDGMENT

1. **RULE.** Mr. Prashant G. Desai, learned advocate for respondent No.1 and Mr. Satyam Chhaya, learned Assistant Government Pleader for respondent No.2, waive service of Rule.

2. Present petition is filed for two fold reliefs; viz. (1) to direct the respondent- Corporation to permit the petitioner to do his business at the place mentioned in the cause title of the present petition and (2) to direct the respondent Corporation to give prescribed form to the petitioner for the purpose of getting licence **in hawking zone**.

3. Heard the learned advocate for the petitioner.

4. So far as permission to do the business at the place mentioned in the cause title of the present petition is concerned, the same is out of question in view of the prolonged history of this case. It is the case of the petitioner himself that, in Surat City, after being approved by the Hon'ble the Apex Court, there is a Scheme in operation. That being so, there are marked hawking zones in the City and in those hawking zones, person(s) can do the business after having obtained the licence from Surat Municipal Corporation.

5. So far as second relief is concerned, it is the case of the petitioner that the petitioner could not comply with the direction issued by this Court (Coram: Hon'ble Mr. Justice K.S. Jhaveri) vide order dated 27.9.2005 in Special Civil Application No. 12323 of 2005 with Special Civil Application No.12325 of 2005, relevant part of which is reproduced as under:

> “3. Accordingly, the petitioners are directed to make a representation before the respondent authorities in prescribed form within a period of two weeks from today. On receipt of the said representation, the respondent authorities shall consider the same in accordance with law within a period of six weeks thereafter.”

6. The learned advocate for the petitioner submitted that, due to unavoidable circumstances, the petitioner had to leave for native place, therefore, he could not comply with the aforesaid direction. The learned advocate submitted that, by way of filing this petition before this Court, the petitioner has already paid a cost for being not able to comply with the direction. He requests that the same direction be reiterated which will serve the ends of justice.

7. Request is found reasonable. Direction given by this Court in order dated 27.09.2005 is reiterated. The petitioner is directed to make a representation before the respondent authorities within a period of two weeks from today. The authorities are directed to consider the same in accordance with law within a period of six weeks thereafter.

8. The petition is disposed of. Rule is made absolute to the aforesaid extent only.

(RAVI R. TRIPATHI, J.)

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